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IBM AUSTIN IPLAW (DG)
C/O DELIZIO GILLIAM, PLLC
15201 MASON ROAD, SUITE 1000-312
CYPRESS, TX 77433

EXAMINER	
PARK, JEONG S	

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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 10/531,055
Filing Date: April 12, 2005
Appellant(s): COHEN ET AL.

Apratim Purakayastha et al.
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 5/8/2009 appealing from the Office action mailed 10/24/2008.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

No amendment after final has been filed.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,493,758	McLain	12-2002
7,240,280	Jolley	07-2007

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 18-22, 24 and 26-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over McLain (U.S. Patent No. 6,493,758 B1) in view of Jolley et al. (hereinafter Jolley)(U.S. Patent No. 7,240,280 B2).

Regarding claim 18, McLain teaches as follows:

a method for creating a Mobile Device specific content topology at a Portal Server (a method and a system for transferring offline browsing content information from a host computer to a mobile device, see, e.g., abstract) comprising:

initiating a switch at the server side from a connected to a disconnected mode between said Portal Server and said Mobile Device (McLain teaches offline browsing. Therefore, the McLain's system inherently includes a capability of providing online browsing. McLain teaches a host computer (16 in figure 1) working as an intermediate server between the content provider and the mobile device, see, e.g., col. 3, lines 39-49. The host computer has a capability to sense the connection between the content

provider and the mobile device. Therefore the host computer can provide the offline and online browsing for the mobile device);

selecting available disconnected Portlet applications to be replicated to said Mobile Device (user selecting desired content from content provider for offline browsing, see, e.g., col. 7, lines 32-44 and step 102 in figure 6);

creating a Mobile Device specific content topology based on an existing user-defined connected content topology including said selected disconnected Portlet applications and dynamic information (downloading module accesses content provider and downloads content therefrom in accordance with the user preference as well as creates a CDF file, see, e.g., col. 8, lines 17-36), wherein the dynamic information indicates at least one of about channel capabilities, capabilities of said Mobile Device, and location information of said Mobile Device (characteristic information about mobile device, see, e.g., col. 10, line 61 to col. 11, line 9), wherein the existing user-defined connected content topology (user preference and CDF) indicates server-side portal pare layout of content provided by the Portal Server (content definition format (hereinafter CDF) file provides a local index or hierarchical structure of the content available from content provider, see, e.g., col. 3, lines 21-39)(see, e.g., step 102, 104, 162 and 164 in figure 6);

packaging said Mobile Device specific content topology including said selected disconnected Portlet applications assigned to it and said data to be rendered by selected Portlet application, wherein the Mobile Device specific content topology indicates layout of the selected disconnected Portlet applications when aggregated

by the Mobile Device (downloading of content and the CDF file stored in cache 22 of desktop computer to cache of mobile device, see, e.g., col. 10, lines 61-63 and step 160 in figure 6); and

transferring said Mobile Device specific content topology including said selected disconnected Portlet applications assigned to it, and said data to be rendered by said selected Portlet application to said Mobile Device (transferring filtered content to mobile device, see, e.g., col. 11, lines 9-32 and step 166 in figure 6).

McLain does not teach the portal server initiating a switch from a connected to a disconnected mode but teach a host server providing all other limitations of the portal server as presented above.

It would have been obvious for one of ordinary skill in the art at the time of the invention to modify McLain to include a switching function to automatically switch between online and offline browsing modes based on a connection between a content provider and a host server providing contents to a mobile device.

McLain does not teach a portlet application used in a portal server.

Jolley teaches as follows:

a system and a method for providing application flow integration in a portal framework. Each of a plurality of portlets may have an individual webflow associated within it (see, e.g., abstract), wherein the portlets are pluggable user interface software components that are managed and displayed in a web portal. Portlets produce fragments of markup code that are aggregated into a portal page (see, e.g., the definition from Wikipedia); and

using webflow and pipeline technologies within a portal or with portlets (see, e.g., col. 3, line 62 to col. 4, line 8).

It would have been obvious for one of ordinary skill in the art at the time of the invention to combine McLain with Jolley in order to utilize the well known portlet technology in portal page.

Regarding claim 19, McLain in view of Jolley teaches all the limitations of using portlet in offline operation.

It would have been obvious for one of ordinary skill in the art at the time of the invention to use separate portlet window for the disconnected mode since the portal page comprises with multiple portlet windows (see, e.g., Jolley figure 2-4).

Regarding claim 20, McLain teaches of selecting disconnection portlets (user selecting desired content from content provider for offline browsing, see, e.g., col. 7, lines 32-44 and step 102 in figure 6). Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to add the disconnection portlets by default.

Regarding claim 21, McLain teaches that user selecting desired content from content provider for offline browsing (see, e.g., col. 7, lines 32-44 and step 102 in figure 6).

Therefore the mobile device can select desired content used for offline browsing with the well known graphical user interface which also provided with any web browsing software.

Regarding claim 22, McLain teaches as follows:

downloading module accesses content provider and downloads content therefrom in accordance with the user preference as well as creates a CDF file (see, e.g., col. 8, lines 17-36); and

CDF file provides a local index or hierarchical structure of the content available from content provider (see, e.g., col. 3, lines 21-39).

Therefore McLain teaches of determining the availability of said Portlet applications indicated by the existing user-defined connected content topology for the Mobile Device when disconnected.

Regarding claim 24, McLain teaches as follows:

each change of the data belonging to the Mobile Device specific content topology stored at the server side or at the Mobile Device side is synchronized during the connected mode (synchronization module 24 and 26 in figure 1 synchronizes CDF file and content data stored in both host computer and mobile device caches, see, e.g., col. 3, lines 50-65).

It would have been obvious for one of ordinary skill in the art at the time of the invention to synchronize any changes of data between online and offline browsing since McLain provides both online and offline browsing operations as presented above.

Regarding claim 26, McLain teaches as follows:

omitting those of the Portlet applications determined to be unavailable for the Mobile Device when disconnected from the Mobile Device specific content topology (CDF file provides a local index or hierarchical structure of the content available from content provider, see, e.g., col. 3, lines 21-39).

Regarding claim 27, Jolley teaches as follows:

portal platform provides an array of content placeholders, each able to function as a virtual browser that controls its own state without influencing the state of its neighbor portlets (see, e.g., col. 5, lines 52-64).

Therefore, McLain teaches of using content placeholders for presenting state of portlets whether those portlets are available or not.

Regarding claim 28, McLain teaches as follows:

the Mobile Device specific content topology comprises a tree structure representation, wherein each node of the tree structure representation indicates a layout element and each leaf of the tree structure representation indicates a Portlet (CDF file provides a local index or hierarchical structure of the content available from content provider, see, e.g., col. 3, lines 21-39).

(10) Response to Argument

A. Appellants' arguments and Examiner's responses regarding claim 18 are as follows:

Appellants' argument: claim 18 recites "creating a Mobile Device specific content topology based on an existing user-defined connected content topology including said selected disconnected Portlet applications and dynamic information." For this quoted claim language, the Examiner refers to sections of McClain that disclose a computer downloading content from a service provider in accordance with user preferences, and creating a CDF. The Examiner interprets the user preferences and the CDF as "user-

defined disconnected content topology." See Final Office Action, page 3, last paragraph, line 8 to page 4, line 3. With this interpretation, the Examiner argues that McClain discloses creating a CDF based on 1) user preferences, 2) a CDF, and 3) mobile device characteristic information. This argument for the rejection fails because it contradicts the disclosure of McClain. The rejection requires a CDF to be created based on user preferences and a CDF. McClain does not disclose or suggest creating a CDF on either or both of user preferences and another CDF. McClain discloses downloading content from a content provider to a computer based on user preferences, which include a URL or pointer to content and indication of types of data to download from a content provider. See col. 7, lines 44-48 and col. 8, lines17-36. Further, McClain states that the CDF is created based on content of the content provider structure of the website content provider, not on user preferences and another CDF. See col. 3, lines 34-38. With regard to the mobile device characteristic information, McClain discloses a computer obtaining, from a mobile device, characteristic information of the mobile device before transferring content to the mobile device after a CDF has already been downloaded or generated. See col. 10, line 61 to col. 11, line 11. Obviously, the CDF cannot be created based on mobile device characteristic information obtained after the CDF is generated. The Examiner arguments and interpretations used for the rejection lack any support in McClain and contradict McClain. Neither of McClain or Jolly disclose or suggest the above quoted language.

Examiner's response:

McLain teaches as follows:

Creating a Mobile Device specific content topology (a browser module is provided on mobile device to access the CDF file in cache to render content during offline browsing, see, e.g., col. 3, lines 63-65) based on an existing user-defined connected content topology (interpreted as user preferences, see, e.g., col. 7, line 32 to col. 8, line 17) including said selected disconnected Portlet applications (the user preferences include URL or similar address pointer used to access content provider and specify content contained therein, see, e.g., col. 7, lines 44-46) and dynamic information (downloading module accesses content provider and downloads content therefrom in accordance with the user preference as well as creates a CDF file, see, e.g., col. 8, lines 17-36), wherein the dynamic information indicates at least one of about channel capabilities, capabilities of said Mobile Device, and location information of said Mobile Device (characteristic information about mobile device, see, e.g., col. 10, line 61 to col. 11, line 9), wherein the existing user-defined connected content topology (interpreted as user preferences, see, e.g., col. 7, line 32 to col. 8, line 17) indicates server-side portal page layout of content provided by the Portal Server (the user preferences can also limit how many levels of content organized in a hierarchical manner will be downloaded from content provider, see, e.g., col. 8, lines 6-12)(see, e.g., step 102, 104, 162 and 164 in figure 6).

Therefore, the mobile device can receive the desired offline browsing based on the user preferences and the mobile device characteristic information.

Appellants' argument: claim 18 also recites "packaging said Mobile Device specific content topology ...transferring said Mobile Device specific content topology ... to said Mobile Device." In arguing that McClain disclose the quoted language, the Examiner recycles the same operation as previously used in McClain for the other limitation. The Examiner refers to a section of McClain that discloses downloading content to a mobile device and a section of McClain that discloses transferring filtered content to the mobile device. The transfer of filtered content at col. 11, lines 10-15 is an elaboration of the general statement made at col. 10, lines 61-65. McClain discloses downloading content and a CDF from a computer cache to a mobile device cache (col. 10, lines 61-63), and then states that the content data is filtered prior to the transfer/download (col. 11, lines 13-16). The Examiner, correctly, does not argue that filtering content data discloses or suggests packaging the Mobile Device specific content topology. The Examiner argues that the transfer/download of the content data and the CDF discloses packaging and then transferring of the Mobile Device Specific content topology, which it does not. If transferring the content and the CDF can be interpreted as transferring the Mobile Device specific content topology, it cannot also be interpreted as packaging. Neither the sections relied upon by the Examiner nor the rest of McClain disclose or suggest both packing and transferring the Mobile Device specific

content topology. Neither McClain nor Jolley disclose or suggest packaging the Mobile Device specific content topology.

Examiner's response:

McLain teaches as follows:

Packaging said Mobile Device specific content topology (desired download content to mobile device, see, e.g., col. 7, lines 38-44) including said selected disconnected Portlet applications assigned to it and said data to be rendered by selected Portlet application (the user preferences include URL or similar address pointer used to access content provider and specify content contained therein, see, e.g., col. 7, lines 44-46) and transferring to said Mobile Device (downloading of content and the CDF file stored in cache 22 of desktop computer to cache of mobile device, see, e.g., col. 10, lines 61-63 and step 160 in figure 6).

Therefore the mobile device specific content topology is selectively downloaded from the content provider to the mobile device based on the user preferences and the mobile device characteristic information.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Jeong S Park/

Examiner, Art Unit 2454

August 7, 2009

/Nathan J. Flynn/

Supervisory Patent Examiner, Art Unit 2454

Conferees:

/Nathan J. Flynn/

Supervisory Patent Examiner, Art Unit 2454